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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,526	10/18/2005	Thomas Arend	08516.0012	7402
22852	7590	06/19/2007	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			CONTINO, PAUL F	
			ART UNIT	PAPER NUMBER
			2114	
			MAIL DATE	DELIVERY MODE
			06/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/522,526	AREND, THOMAS	
	Examiner	Art Unit	
	Paul Contino	2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION: Non-Final Rejection**

***Response to Arguments***

1. Applicant's arguments filed April 9, 2007, have been fully considered but they are not persuasive.

The Examiner respectfully disagrees that the combined invention of Bajpai and Aslanian et al. fails to teach of the amended limitations of the claims. Please see the following rejections, which now address the newly amended claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 ~~and 10-11~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Bajpai in view of Aslanian et al. (U.S. Patent No. 5,111,384).

As in claim 1, Bajpai teaches of a computer system comprising:

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a main system that executes an application in cooperation with a human user (*Figs. 1 and 2; page 5 lines 3-5, where processor 10 is interpreted as a main system*);

an auxiliary system to evaluate problems in the main system using a service module to collect problem related data from the main system (*Figs. 1 and 5; page 9 line 22 and page 10 lines 17-21, remote processor 12*), wherein the auxiliary system determines a context of the evaluated problems (*Figs. 2,5; page 6 lines 21-24 and page 10 lines 17-27, where the auxiliary system 50 determines a context in order to decide which problem/solution database to confer with*);

a knowledge module that stores the knowledge representations (*Fig. 5 #s 58 and 60; page 10 lines 1-2 and 24-27*) by classifying the knowledge representations into context groups, wherein each context group is classified according to at least one predefined context, and wherein the knowledge representations comprise entries for specific problem symptoms and corresponding solutions (*Fig. 2; page 6 lines 21-29, where there is a separate problem/solution database which pertains to each context which comprise the entirety of the knowledge representations*); and

an inference module that processes problem related data with knowledge representations where the context of the evaluated problems is used to select at least one context group of the knowledge representations to identify solutions (*Fig. 5 #56; page 10 lines 24-27, where a context must be determined in order to retrieve information from the appropriate problem/solution database*), wherein the inference module forwards the solutions through the service module to the main system (*page 11 lines 15-16*).

However, Bajpai fails to teach of distinguishing versions of the main system. Aslanian et al. teaches of distinguishing versions of a main system (*column 2 lines 29-43, column 3 lines 38-43, and column 8 lines 23-38*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the version distinguishing as taught by Aslanian et al. in the invention of Bajpai. This would have been obvious because the invention of Aslanian et al. offers a time and resource efficient means of utilizing an expert system and a knowledge representation base in order to solve a problem (*column 1 lines 66-68*).

As in claim 2, Bajpai teaches the auxiliary system distinguishes context relating to the application (*Figs. 2,5; page 6 lines 21-24 and page 10 lines 17-27*). Aslanian et al. teaches versions relating to the application (*column 2 lines 29-43, column 3 lines 38-43, and column 8 lines 23-38*. *It is interpreted that a fault brought about by the application will be remedied through distinguishing related context and versions*).

As in claim 3, Aslanian et al. teaches the auxiliary system distinguishes context and versions by using a check lexicon in the knowledge module (*column 2 lines 29-43, column 3 lines 38-43, and column 8 lines 23-38, where the knowledge base and object data structures are interpreted as a check lexicon*).

As in claim 4, Aslanian et al. teaches the check lexicon lists details for the knowledge representations, wherein the details depend on a version of the main system (*column 8 lines 35-37*).

As in claim 5, Aslanian et al. teaches the check lexicon lists details for the knowledge representations, wherein the details depend on a version of the application (*column 8 lines 23-29*).

As in claim 6, Aslanian et al. teaches the check lexicon lists details for the knowledge representations, wherein the details depend on the context of the problem (*column 8 lines 3-38*).

As in claim 7, Aslanian et al. teaches the check lexicon lists details for the knowledge representations that depend on a version of the main system (*column 8 lines 35-37*).

As in claim 8, Aslanian et al. teaches the check lexicon uses parameters for versions and context (*Fig. 3; column 8 lines 3-38*).

***Allowable Subject Matter***

3. Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10 and 11 are allowable over the prior art based upon the use of contexts to allow for respective actions to occur.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Contino whose telephone number is (571) 272-3657. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFC  
6/7/2007

  
SCOTT BADERMAN  
SUPERVISORY PATENT EXAMINER